

4. banking services;
5. merchandising services; and
6. information services; and

wherein said business logic system is directly accessible by said customer service representative to manage the services of said business logic system.

REMARKS

Claims 1-4 and 7-11 stand rejected under 35 U.S.C. §101 as directed to non-statutory subject matter. In response, the claims have been amended so that claim 1 incorporates the limitations of original claim 5 and newly-added claim 12 recites original independent claim 1 while incorporating the limitations of original claim 6. As original claims 5 and 6 were found unobjectionable by the examiner and in compliance with Section 101, Applicant believes this now places the application in condition for allowance and a notice of allowance is respectfully requested

Claims 1-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bell, System Manages Benefits via the Net, October 21, 1996 in view of VALENTINO. This rejection is respectfully traversed. Claims 1-11 are embodied in claims 1 and 12.

The office action states that it would have been obvious to have added the teachings of VALENTINO in view of BELL. However, there is no motivation in either VALENTINO or BELL to combine these references to arrive at the present invention claimed in claims 1-11. "The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification." *In re Gordon*, 221

USPQ 1125, 1127 (Fed. Cir. 1984). Accordingly, there must exist some suggestion in the prior art for the modification proposed in the office action.

The Bell reference is an article which does not disclose the steps, methods and systems as claimed by Applicant. Bell discloses a generic system to “tie employers to a benefits administration system.” The present application is directed to the integration of employer and employee data, such that either party may utilize the data to modify information related to benefits, accounting, insurance, banking, etc. Bell further discloses only that “employers can buy computer services from an outside vendor but retain control over their records.” No definition or example of the connection between the employers and employees is disclosed, nor any example of the type of service envisioned to be provided. This does not render obvious the present application’s teachings related to the integration of data and the services ultimately provided.

Bell refers to customers “[storing] their records on Employease computers,” but does not disclose that the data is integrated or make mention of meta-accounts. Data storage is an old concept which is related to functionality, not the novelty of the present invention. The Bell reference further fails to disclose any integration systems to allow third party applications to access the data repository. Bell makes reference to making benefits information available to workers via the World Wide Web, but does not refer to the claimed step of

a presentation system to provide interface services.

There is no mention of a business logic system, as claimed in the present application.

Further, the VALENTINO reference does not supply the limitations that are in claims 1-11 that are not met by BELL, as neither BELL alone or in combination with VALENTINO

render claim 1 and 12 obvious.

The conclusion that that it would have been obvious to modify BELL in view of VALENTINO to use hyperlinks to vendor's sites for current information can only be reached through the use of Applicant's own disclosure, which is impermissible.

The Examiner takes Official Notice that the use of databases for combining employer and employer data that can be accessed based on security methods and third party applications is old and well known both in use and in technology, as well as their presentation systems, that databases could easily have hyperlinks to vendor's sites, and that the use of business logic has long been a standard way to provide criteria and instruction for formatting presentations from any such data. An example is how business logic is often broken further into two components in the Model-View-Controller (MVC) paradigm -- the Model, which defines how the data will be stored and retrieved; and the Controller, which controls the interaction between the Model and the View. These general concepts are not the point of novelty of the present invention.

It is submitted that Official Notice without documentary evidence to support an examiner's conclusion is permissible only in some circumstances. MPEP 2144.03. "Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known. As noted by the court in *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970), the notice of facts beyond the record which may be taken by the examiner must be 'capable of such instant and unquestionable demonstration as to defy dispute.' (citing *In re Knapp Monarch Co.*, 296 F.2d 230, 132 USPQ 6

(CCPA 1961)).” *Id.*

Applicant respectfully traverses the Examiner’s finding of Official Notice and respectfully requests specific authority for the Notice. Further, Applicant traverses the finding of Official Notice by specifically setting forth below why the noticed fact is not considered to be common knowledge or well-known in the art.

The claimed system enables various pieces of information to be assembled to a single site and presented in aggregate format. This is novel in the information gathering and presenting application as well as in the intuitive marketing assistance. There is no current system that combines these functions. The existing systems keep various pieces of data in separate modules without integration.

While business logic, defined as “code that implements the functionality of an application,” has been in existence since programming began, it is the specific application of business logic in the claimed invention that is patentable.

In view of the foregoing remarks, it is believed that the application is now in condition for allowance and a notice of allowance is respectfully requested. If the examiner disagrees, he is requested to contact the attorney of record by telephone at the number provided below.

Respectfully submitted,



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